

Message Text

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FM SECSTATE WASHDC

TO AMEMBASSY VIENNA

UNCLAS STATE 214736

E.O. 11652: N/A

TAGS: AGAO

SUBJECT: GAO REPORT ON CASE ACT COMPLIANCE

PASS ARTHUR ROVINE, USDEL SUCCESSION OF STATES CONFERENCE

1. UNLESS OBJECTIONS ARE RECEIVED PRIOR TO FRIDAY NOON
WASHINGTON TIME, L/T WILL PROVIDE FOLLOWING COMMENTS TO
GAO ON SUBJECT REPORT:

2. PAGE 4, PARS. 2 AND 3 - THE 34 KOREAN AGREEMENTS

THE ONE KOREAN AGREEMENT WHICH WAS DETERMINED TO BE AN
INTERNATIONAL AGREEMENT WITHIN THE MEANING OF THE CASE-
ZABLOCKI ACT WAS SUBMITTED TO THE DEPARTMENT OF STATE
BY THE AGENCY INVOLVED AND WAS IN FACT TRANSMITTED TO
THE CONGRESS ON FEBRUARY 19, 1976. THUS 33 KOREAN
AGREEMENTS WERE REVIEWED BY STATE, IT HAVING BEEN DETER-
MINED THAT A 34TH AGREEMENT WAS TRANSMITTED BEFORE THE
GAO REPORT WAS ISSUED.

3. PAGE 11 - PUBLICATION AND REGISTRATION

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THE PUBLICATION REFERRED TO IN 1 U.S.C. 112A IS ENTITLED
"UNITED STATES TREATIES AND OTHER INTERNATIONAL AGREEMENTS".
THE PUBLICATION INCLUDES THE TEXTS OF ALL TREATIES AND
OTHER INTERNATIONAL AGREEMENTS TO WHICH THE UNITED STATES
HAS BECOME A PARTY AND WHICH HAVE ENTERED INTO FORCE
DURING A GIVEN CALENDAR YEAR. BY THE TIME THE VOLUMES

ARE PUBLISHED NOT ALL OF THE AGREEMENTS INCLUDED ARE STILL IN FORCE, THOUGH THE MAJORITY ARE. "TREATIES IN FORCE", ON THE OTHER HAND, IS ISSUED ANNUALLY AND IS A LIST OF TREATIES AND AGREEMENTS TO WHICH THE UNITED STATES IS A PARTY AND WHICH ARE IN FORCE AS OF JANUARY 1 OF THE YEAR OF ISSUE.

4. PAGE 15, PAR. 4 - AID AGREEMENTS, \$1 MILLION LIMITATION

THE LIMITATION WAS DISCUSSED INFORMALLY WITH THE HOUSE COMMITTEE STAFF WHICH INDICATED THE ARRANGEMENT SEEMED REASONABLE AND WOULD BE REFERRED TO COMMITTEE MEMBERS FOR CONSIDERATION. AS OF JULY, 1978, HOWEVER, FORMAL CONCURRENCE OF THE HOUSE COMMITTEE WAS STILL PENDING. STATE WOULD LIKE TO RAISE THE \$1 MILLION CUT-OFF FIGURE AND HOPES TO PURSUE THIS MATTER WITH THE TWO COMMITTEES AT AN EARLY DATE.

5. PAGE 26, PAR. 1, LAST SENTENCE - FAA AGREEMENTS

IT SHOULD BE NOTED THAT THE DEPARTMENT OF TRANSPORTATION, OF WHICH THE FEDERAL AVIATION ADMINISTRATION IS ONE UNIT, DID RECEIVE THE LETTER OF SEPTEMBER 6, 1973, FROM ACTING SECRETARY OF STATE KENNETH RUSH CONCERNING TRANSMITTAL OF INTERNATIONAL AGREEMENTS TO THE DEPARTMENT OF STATE IN UNCLASSIFIED

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CONNECTION WITH THE CASE-ZABLOCKI ACT. FURTHER, IT IS LIKELY THAT THE DEFINITION PREVAILING UNTIL MID-1975 OF THE TERM "INTERNATIONAL AGREEMENT" IN CONNECTION WITH THE ACT WOULD PROBABLY HAVE RESULTED IN THE ELIMINATION OF MOST, IF NOT ALL, OF THE FAA AGREEMENTS.

6. PAGE 39, LAST PAR. - CHILE WEATHER STATION AGREEMENT

SOME TECHNICAL DETAILS - THE AGREEMENT WAS EFFECTED BY NOTES EXCHANGED DURING THE PERIOD FEBRUARY TO SEPTEMBER, 1977 BETWEEN THE AMERICAN EMBASSY AND THE CHILEAN FOREIGN OFFICE.

7. PAGE 45, PAR. 3 - INTELLIGENCE AGREEMENTS

IN THE SENATE, THE AGREEMENTS ARE DELIVERED TO THE SENATE FOREIGN RELATIONS COMMITTEE AND REVIEWED BY THE CHAIRMAN AND THE RANKING MINORITY MEMBER. STAFF ACCESS IN THE CASE OF BOTH COMMITTEES IS LIMITED TO THE CHIEF OF STAFF.

8. PAGE 48, PAR. 1 - TREASURY'S POSITION ON DEFINING

INTERNATIONAL AGREEMENTS

STATE HAS ACQUIESCED TO THE PRACTICE OF PERMITTING TREASURY TO DETERMINE WHAT CONSTITUTES AN INTERNATIONAL AGREEMENT REPORTABLE UNDER THE ACT. ASSUMING ADOPTION OF THE CONFERENCE COMMITTEE REPORT ON THE FOREIGN RELATIONS AUTHORIZATION ACT, FISCAL YEAR 1979, THE PROVISION CALLING FOR OTHER DEPARTMENTS AND AGENCIES WHICH CONTEMPLATE ENTERING INTO INTERNATIONAL AGREEMENTS TO CONSULT WITH STATE OR THE PRESIDENT MAY AFFORD STATE AN INCREASED OPPORTUNITY TO REVIEW TREASURY DEPARTMENT AGREEMENTS.

9. PAGE 51, PAR. 2, LAST SENTENCE - AGREEMENTS WITH UNCLASSIFIED

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VIETNAM

WHILE THE UNITED STATES HAS CONCLUDED NO AGREEMENTS WITH THE SOCIALIST REPUBLIC OF VIETNAM SINCE JUNE, 1973, THE STATUS OF AGREEMENTS CONCLUDED PRIOR TO APRIL, 1975 WITH THE REPUBLIC OF VIET-NAM (SOUTH VIET-NAM) IS CURRENTLY UNDER REVIEW BY THE UNITED STATES. CHRISTOPHER

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